

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2117

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-886.01, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 261, section 5, is amended to read:

4 38-886.01. Ordinary disability retirement: qualifications;
5 amount of pension; conditions for continued payment
6 of pension; definitions

7 A. A member may retire and receive an ordinary disability pension if
8 the local board finds that all of the following conditions occur:

9 1. An application for disability retirement is filed with the
10 retirement plan or the local board by either the member or the member's
11 participating employer after the disabling incident or within one year after
12 the date the member ceases to be an employee. Timely application for an
13 ordinary disability pension is a prerequisite to receipt of the pension.

14 2. The member undergoes all medical examinations and tests ordered by
15 the local board and releases to the local board all medical reports and
16 records requested by the local board.

17 3. The local board determines that an ordinary disability condition
18 exists that meets the requirements for an ordinary disability.

19 4. The member is not participating in the reverse deferred retirement
20 option plan pursuant to section 38-885.01.

21 B. The effective date of an ordinary disability retirement shall not
22 predate the date of disability or the date the member ceases to be an
23 employee.

24 C. Except for a full-time dispatcher, the amount of an ordinary
25 disability pension is equal to a fraction times the member's normal
26 retirement pension that is computed pursuant to section 38-885, subsection C
27 as if the member had twenty years of credited service. The fraction is the
28 result obtained by dividing the member's actual years of credited service,
29 not to exceed twenty years of credited service, by twenty. For a full-time
30 dispatcher, the amount of an ordinary disability pension is equal to a

1 fraction times the member's normal retirement pension that is computed
2 pursuant to section 38-885, subsection C as if the member had twenty-five
3 years of credited service. The fraction is the result obtained by dividing
4 the member's actual years of credited service, not to exceed twenty-five
5 years of credited service, by twenty-five.

6 D. During the period, if any, between the effective date of ordinary
7 disability retirement and the date the disabled retired member attains
8 sixty-two years of age the local board may require a disabled retired member
9 to undergo periodic reevaluation of the continuation of ordinary disability.
10 If the disabled retired member refuses to submit to reevaluation, the local
11 board may suspend payment of the pension. If the refusal continues for one
12 year, the local board may revoke the disabled retired member's rights to the
13 pension. An ordinary disability pension is terminated if the local board
14 finds the retired member no longer meets the requirements for ordinary
15 disability retirement.

16 E. A member does not qualify for an ordinary disability pension if the
17 local board determines that the member's disability results from any of the
18 following:

19 1. An injury suffered while engaged in a felonious criminal act or
20 enterprise.

21 2. Service in the armed forces of the United States that entitles the
22 member to a veteran's disability pension.

23 3. A physical or mental condition or injury that existed or occurred
24 before the member's date of membership in the plan.

25 F. Local boards shall base a finding of ordinary disability on medical
26 evidence that is obtained by a medical doctor or clinic selected by the local
27 board and shall disregard any other medical evidence or opinions. If the
28 local board retains more than one medical doctor or clinic in connection with
29 the application, the local board shall resolve any material conflicts
30 presented in the medical evidence that is presented by the medical doctors or
31 clinics.

1 G. For the purposes of this section: ~~,~~

2 1. "MEMBER" MEANS:

3 (a) A COUNTY DETENTION OFFICER.

4 (b) A CORRECTIONAL SERVICE OFFICER, INCLUDING AN ASSISTANT DEPUTY
5 WARDEN, A DEPUTY WARDEN, A WARDEN AND A SUPERINTENDENT.

6 (c) A STATE CORRECTIONAL PROGRAM OFFICER.

7 (d) A PAROLE OR COMMUNITY SUPERVISION OFFICER.

8 (e) AN INVESTIGATOR.

9 (f) A YOUTH CORRECTIONS OFFICER.

10 (g) A YOUTH PROGRAM OFFICER.

11 (h) A CITY OR TOWN DETENTION OFFICER.

12 (i) A FULL-TIME DISPATCHER WHO IS EMPLOYED BY AN EMPLOYER OF AN
13 ELIGIBLE GROUP AS DEFINED IN SECTION 38-842.

14 2. "Ordinary disability" means a physical condition that the local
15 board determines will prevent an employee from totally and permanently
16 performing a reasonable range of duties within the employee's department or a
17 mental condition that the local board determines will prevent an employee
18 from totally and permanently engaging in any substantial gainful activity.

19 Sec. 2. Repeal

20 Laws 2007, chapter 261, section 17 is repealed."

21 Amend title to conform

MARIAN A. MCCLURE

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